

### REMARKS

Claims 15-20, 22, 24-28 and 30-33 are pending. Claims 15-20, 22 and 24-28 are amended. Claims 30-33 are new. No new matter is added. Claims 15-20 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Simon Benninga, Financial Modeling, Chapter 1 ("Benninga"). Claims 15-20 and 22 are further rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The applicant respectfully traverses the rejections and requests reconsideration in view of the amendments and remarks herein.

#### **I. Interview Summary**

On August 10, 2007, a telephonic interview was conducted with Examiner Weisberger, an inventor, William J. Clancey, and the applicant's representative, Brenda Leeds Binder of Fish & Richardson, PC. The restriction requirement dated June 2, 2004, was discussed, and the applicant explained that claims 24-28 ought not to have been restricted out, as they depend from claim 22, which is pending in the current application. Claim 15 and possible amendments to the claim were discussed. The indefiniteness rejection concerning the term "statement period unit" was discussed.

#### **II. Information Disclosure Statements**

Applicant filed an Information Disclosure Statement on May 16, 2001, with the application, and submitted copies of Information Disclosure Statements dated March 1, 1999, and, September 11, 1998, which were submitted in the parent case. Applicant respectfully requests that the Examiner return an initialed copy of the PTO-1449 forms to indicate that the references have been considered, copies of which are enclosed.

#### **III. Status of claims 24-28**

By way of a restriction requirement dated June 2, 2004, the Examiner asserted that claims 15-20 and 22 are drawn to a first invention and claims 23-29 are drawn to a second invention. In response to the restriction requirement, the applicant elected to pursue the first invention, i.e., claims 15-20 and 22. However, the applicant also pointed out in the response that claims 24-28

actually depend from claim 22 (not claim 23) and therefore should be included with the claims directed to the first invention. The Examiner continues to maintain that claims 24-28 are withdrawn. The applicant respectfully submits that the Examiner has mistakenly understood claims 24-28 to depend from claim 23, and would like to clarify for the Examiner that these claims in fact depend from claim 22. The applicant requests that the Examiner acknowledge that claims 24-28 are properly pending in the current application.

#### **IV. Section 112 Rejections**

The Examiner rejected claims 15-20 and 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Examiner asserted that the term “statement period unit” is vague and indefinite. Claim 15 has been amended to replace the term “statement period unit” with “statement period unit of time”. A statement period unit of time is the smallest time duration represented in a column of the financial statement, just as a database period unit of time is the smallest time duration represented in a record of the database. See Specification at page 3, lines 3-6. The applicant trusts the amendment to the claim clarifies the terminology and respectfully submits the claim is clear and definite.

#### **V. Section 102 Rejections**

The Examiner rejected claims 15-20 and 22 under 35 U.S.C. § 102(b) as being anticipated by Benninga. Claim 15, as amended, reads as follows:

A computer-implemented method of populating a financial statement having columns and rows, comprising:  
identifying an input database having columns as a source of input data for the financial statement, where data in the columns corresponds to a database period unit of time;  
determining the database period unit of time;  
receiving a statement period unit of time for base columns of the financial statement, where the statement period unit is greater than the database period unit;  
comparing the statement period unit of time to the database period unit of time;

dynamically computing for each base column of the financial statement a correspondence to more than one column of the input database based on the comparison; and  
populating cells of the base columns of the financial statement with cell formula expressions derived from the correspondence.

The applicant respectfully submits the Benninga reference does not disclose every limitation of claim 1. Figure 1.2.3 of Benninga, which is referred to and relied on by the Examiner, discloses a spreadsheet showing 5 years of financial modeling information. The spreadsheet includes a list of financial statement variables, e.g., sales growth 10%, current assets/sales 15%, etc. Starting with some initial numbers for year "0", predictions for various income statement and balance statement numbers are made based on the values of the financial statement variables for future years 1 through 5. This is quite different from the method of populating a financial statement recited in claim 15. First, Benninga does not describe an "input database having columns as a source of input data for the financial statement".

Second, there is no disclosure of comparing a statement period unit of time to a database period unit of time, and then dynamically computing for each base column of the financial statement a correspondence to more than one column of an input database based on the comparison, as required by claim 15. For example, in Figure 1.2.3, the unit of time for the columns is a year, i.e., each column represents a number for a year. There is no disclosure of comparing the "year" unit of time to a unit of time for an input database (i.e., a database period unit of time) and computing a correspondence based on the comparison. Again, there is no such comparison because there is no input database, as the numbers generated are predictions, rather than based on input data.

By contrast, claim 15 requires such a correspondence to be computed. Further, claim 15 has been amended to clarify what is meant by populating cells of the financial statement. The claim is directed to populating cells of the base columns of a financial statement with cell formula expressions derived from this correspondence. Support for the amendments is found in the specification at p. 36, line 21 to p. 37, line 11 and p. 38, lines 1-8. Benninga does not disclose comparing period units of time to compute a correspondence between columns of an

input database and columns of a financial statement, and then deriving cell formula expressions from the correspondence. Although Benninga does disclose using formulas to calculate predicted numbers, the formulas are not derived from a correspondence between columns of an input database and columns of the financial statement. For example, the sales formula is  $\text{initial sales} * (1 + \text{sales growth})^{\text{Year}}$  (Benninga, p. 7). The “Year” value used in the formula is a generic value, i.e., 0, 1, 2, 3... rather than an actual calendar year, e.g., 2007. That is, Benninga discloses generic formulas, as compared to formulas that map to particular input data, for example, if derived from a correspondence as required by claim 15.

Further, Benninga does not disclose populating cells of the financial statement with the formula expressions so derived.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The applicant respectfully submits that Benninga fails to describe every limitation of claim 15, for at least the reasons discussed above, and accordingly claim 15 is in condition for allowance. Claims 16-20, 30 and 31 depend from claim 15 and are therefore allowable for at least the same reasons.

#### Claims 22 and 24-28

The Examiner rejected independent claim 22 for reasons corresponding to those relied on in rejecting claim 15, and for each of the reasons set forth above in reference to claim 15, the rejection should be withdrawn. Claims 24-28, 32 and 33 depend from claim 22 and are therefore also in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

Applicant : William J. Clancey et al.  
Serial No. : 09/855,684  
Filed : May 16, 2001  
Page : 13 of 13

Attorney's Docket No.: 09158-003002

The extension of time fee in the amount of \$60 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 09158-003002.

Respectfully submitted,

Date: August 31, 2007 \_\_\_\_\_

/Brenda M. Leeds Binder/ \_\_\_\_\_  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William J. Clancey et al.                      Prior Art Unit :        2776  
Serial No. : Divisional                                      Prior Examiner:        M. Perkins  
Filed : May 14, 2001  
Title : POPULATING CELLS OF AN ELECTRONIC FINANCIAL STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

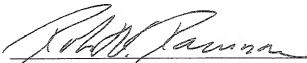
Applicant submits the references listed on the attached form PTO-1449.

Under 35 USC §120, this application relies on the earlier filing date of application serial number 09/114,590, filed on July 13, 1998. The following references were submitted to and/or cited by the Office in the prior application and, therefore, are not provided in this application:

This statement is being filed with the application. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: May 16, 2001

  
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\* Practice in Washington, D.C. limited to matters and proceedings before federal courts and agencies.

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 09158-003002	Application No. Not Yet Assigned
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant William J. Clancey et al.	
		Filing Date May14, 2001	Group Art Unit Not Yet Assigned

## U.S. Patent Documents

Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	5,761,508	6/98	OKUNO	707	100 X	
	AB	6,134,563	10/00	CLANCEY ET AL	707	503	
	AC	6,112,199	8/00	NELSON	707	4	
	AD	5,359,724	10/94	EARLE	707	205	
	AE	6,134,564	10/00	LISTOU	707	505	
	AF	6,002,865	12/00	THOMSEN	707	3	
	AG	5,768,158	6/98	ADLER ET AL	716	11	
	AH	5,553,215	9/96	KAETHLER	707	503	
	AI	5,293,615	3/94	AMADO	707	4	
	AJ	4,989,141	1/91	LYONS ET AL	705	36	
	AK	4,642,767	2/87	LERNER	705	30	
	AL	3,749,892	7/73	STENNING	705	36	

## Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AM							
	AN							
	AO							
	AP							
	AQ							

## Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	AR	Stultz, Russell A. Learn Microsoft Office 97 Woodware Publishing Inc. ISBN 1556225407. ©1997.
	AS	"XL: AppNote XE0210: Creating and Using tables" (Microsoft Tech Support Document). Original text dated 4/97. Last reviewed 10 December 1999. Found online at support.Microsoft.com.
	AT	"XL: Using the Lookup Wizard for Microsoft Excel (Lookup.xla)" (Microsoft Tech Support Document). States that information works back to version 5.0 of Excel. Last reviewed 3 November 1999. Found online at support.Microsoft.com

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 09158-003002		Application No. Not Yet Assigned	
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary) (37 CFR §1.98(b))				Applicant William J. Clancey et al.			
				Filing Date May14, 2001		Group Art Unit Not Yet Assigned	
<b>Other Documents (include Author, Title, Date, and Place of Publication)</b>							
Examiner Initial	Desig. ID	Document					
	AU	"XL97: Natural Language Formulas Return Error" (Microsoft Tech Support Document). Last reviewed 11 October 1999. Found online at support.Microsoft.com.					
	AV	"About Labels and Names in Formulas" (printout of Excel 97 help topic).					
	AW	"Microsoft Announces the Immediate Availability of Office 97" (Press Release). Dated 16 January 1997.					
	AX	"Microsoft Office 97 Released to Manufacturing" (Press Release). Dated 19 November 1996.					
	AY	"MS Excel 97 Feature List" (Microsoft TechNet Document). Published October 1996.					
	AZ	Coughlan, Kieren L., and Nolan, Paul J. "Developing Special Purposes Simulations Under Microsoft Windows." Proceedings of the 1995 Winter Simulation Conference (held 3-6 December 1995). ACM. ©1995. pages 969-976.					
	AAA	Isakowitz, Tomas, Shimon Schocken, Henry C. Lucas. "Toward a Logical/Physical Theory of Spreadsheet Modeling." ACM Transactions of Information Systems, vol. 13, no. 1 January 1995. ACM ©1995. pages 1-37.					
	ABB	Ronen, Boaz, Michael A. Palley, Henry C. Lucas. "Spreadsheet Analysis and Design" Communications of the ACM, vol. 32, no. 1 January 1989. ACM ©1989. pages 84-93.					

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. include copy of this form with next communication to applicant.	





SUBSTITUTE FORM PTO-1449  
(MODIFIED)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.  
09158/003001

Sheet 1 of 2

SERIAL NO.

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
(Use several sheets if necessary)

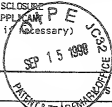
APPLICANT:  
William J. Clancey et al.

98 SEP 25 AM 10:04

FILING DATE  
7/13/1998

GROUP  
2700

(37 CFR 1.98(b))



U.S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION
					YES NO

OTHER DOCUMENTS (including Author, Title, Date, Place of Publication)

AA	SPREADWARE, "Supporting Macintosh Spreadsheets," price list, Graham Communications, Hayward, 1989.
AB	M. Jaynes, "Here Comes SAP," <i>Fortune</i> , October 2, 1995, pp.122-124.
AC	P. Lyons et al., "AI in Business," Workshop Program, AAAI, San Jose Convention Center, July 12-16, 1992.
AD	J. Poultney, "Analytics models business," <i>MacWeek, News Section</i> , p. 6 (September 30, 1996)
AE	"Transactions on Information Systems," <i>acm Press</i> , Vol.13, No.1, 1/1995.
AF	W. Hamscher, "Model-based reasoning in financial domains," <i>The Knowledge Engineering Review</i> , Vol.7:4, 1992, pp.323-343.
AG	W. Hamscher, "Modeling accounting systems to support multiple tasks: A progress report," Price Waterhouse Technology Centre, Menlo Park, pp.519-524 (1992).
AH	W. Mossberg, "Excel Spreadsheet Is New and Improved, But Hardly Perfect," article (1995).
AI	Ch. Seiter, "Smart Spreadsheets," <i>MACWORLD</i> , August 1993, pg.77.
AJ	Ch. Seiter, "SpreadBase 1.0.1," <i>MACWORLD</i> , May 1993, pg.144.
AK	Special Advertising Supplement, "Better Decisions Mean A Better Bottom Line," CW Custom Publications, Framingham, MA, 10 pgs (Fall 1995).
AL	"Why Use CEOPlan?," Internet information, 14 pgs. (1995)
AM	"Redefining information access, analysis, and reporting for the Macintosh," <i>Business Objects</i> ™, 1995, 5 pgs.
AN	J.Keyes, "AI in the Big Six," <i>AI EXPERT</i> , May 1990, pp. 35-42.
AO	C. Brown, "Where 1-2-3 Makes Deals in a Hurry," <i>LOTUS</i> , June 1989, pp.52-55.

EXAMINER

FEILD

DATE CONSIDERED

11/17/00

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

